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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,816	03/17/2004	Tatsutoshi Kitajima	250529US2	2514
22850 7590 02/07/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, LUONG TRUNG	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/801,816	KITAJIMA, TATSUTOSHI	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohnishi (US 7,257,317).

Regarding claim 1, Ohnishi discloses an imaging apparatus (apparatus 100, figure 1) comprising:

a recording device configured to record data (recording operation, figure 1, column 2, line 60 - column 3, line 25);

a replaying device configured to replay the data (reproducing operation, figure 1, column 2, line 60 - column 3, line 25),

wherein the recording device includes a continuing mode (moving image recording, figure 2, column 4, line 34 - column 5, line 33) to associate and record a plurality of data of same kind or different kind in accordance with associated information (file name, figure 2) so that the plurality of data are capable of being replayed in accordance with the associated information;

said continuing mode has a function in which an the associated information for first data a recorded in the continuing mode (at time 201, moving image recording with file name

“movie04.mpg”, figure 2, column 4, lines 21-67), and if the continuing mode is selected again after second data are recorded in a mode other than the continuing mode (at time 203, 204, still picture recording with file names “still03.jpg,” “still04.jpg”, figure 2, column 5, lines 1-67), third data to be newly recorded are associated with the first data (image recording with file name “movie05.mpg”, figure 4).

Regarding claim 2, Ohnishi discloses wherein the associated plurality of data are data-processed by at least one mode of a normal still image mode, a normal moving image mode, a normal voice mode, a continuing still image mode, a continuing moving image mode, a continuing voice mode and a replaying mode (moving image, still image, figure 2).

Regarding claim 4, Ohnishi discloses wherein a time information of a mutual time of data associated and recorded or an individual time recorded is included in the associated information (figure 3, column 4, line 57 – column 5, line 3).

Regarding claim 5, Ohnishi discloses wherein a plurality of associated information are selectable in the continuing mode (in the recording of moving image, plurality of moving image files are selected and recorded with corresponding image, such as “movie01.mpg”, “movie02.mpg”, “movie03.mpg”, “movie04.mpg” (column 4, lines 21-33).

Regarding claim 6, Ohnishi discloses wherein the continuing data for the moving or voice recording are recorded in the continuing mode and the still image is recorded (figures 2-4, column 4, lines 34-67).

Regarding claim 7, Ohnishi discloses wherein said associated information is recorded as an information within a file (figure 3, column 5, lines 34-54).

Regarding claim 8, Ohnishi discloses wherein the data are still image data (still pictures, figure 2, column 4, lines 21-34).

Regarding claim 9, Ohnishi discloses wherein the data further include moving image data or voice data (moving image, figure 2, column 4, lines 21-47).

Regarding claim 10, Ohnishi discloses wherein the associated information are file names of the data (file name, such as "movie04.mpg", "still01.jpg, figures 2-3, column 4, lines 21- 67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnishi (US 7,257,317).

Regarding claim 3, Ohnishi fails to specifically disclose wherein said associated information are held even a power source stopping state of a low consumption power in which a photograph and replaying operation are prohibited, wherein an associated recording function is carried out pursuant to the associated information when the continuing mode is set again. However, Official Notice is taken that it is well known in the art to include a function of holding file names even though power source is turn off. Doing so when power turned on again, the same file name can be continued recording, this prevent the loss of recorded data.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
02/04/08



LUONG T. NGUYEN
PATENT EXAMINER